



Janet Napolitano
Governor

Victor M. Mendez
Director

ORIGINAL

Arizona Department of Transportation

Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3713



Debra R. Brisk
Deputy Director

June 10, 2004

Mr. James H. Smith
Manager Industry & Public Projects
Union Pacific Railroad Company
10031 Foothills Boulevard
Roseville, California 95747

Certified Mail Number
7002 3150 0003 9223 4917

RE: TRACS No. 0940 MA PHX SR174 01C
Project No. STP-000-6(155)P
RAIL/HIGHWAY SAFETY PROGRAM
36th Avenue (Phoenix)
The Burlington Northern and Santa Fe Railway Company
AAR/DOT No: 025-496-G
Agreement No. 1531-91-ATSF
ADOT Accounting No. 1531BW01
ACC Docket No. RR-02635B-04-0375

RECEIVED
2004 JUN 17 P 3:50
AZ CORP COMMISSION
DOCUMENT CONTROL

Dear Mr. Smith:

In accordance with the requirements of the Procedural Order of the Arizona Corporation Commission, we are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Corporation Commission's Procedural Order. This will serve as your notice of a scheduled hearing with respect to the subject project.

Sincerely,

John Syers, Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Ave, RM 357, MD 618E
Phoenix, AZ 85007-3212
(602) 712-7541

encl.

cc: ACC

Arizona Corporation Commission
DOCKETED

JUN 17 2004

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Arizona Department of Transportation
Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3713

Janet Napolitano
Governor

Victor M. Mendez
Director

May 13, 2004

Debra R. Brisk
Deputy Director

Railroad Safety Supervisor
Arizona Corporation Commission
1210 West Washington
Phoenix, Arizona 85007

RE: TRACS No. 0940 MA PHX SR174 01C
Project No. STP-000-6(155)P
RAIL/HIGHWAY SAFETY PROGRAM
36th Avenue (Phoenix)
The Burlington Northern and Santa Fe Railway Company
AAR/DOT No: 025-496-G

Dear Mr. Thompson:

Please furnish our office with an Opinion and Order to cover the installation of Signals described in the subject agreement. An agreement covering the work has been signed by the Railroad Company. A copy is attached for your information and files.

After we receive the Opinion and Order, we will send you a copy of our letter authorizing the Railroad to proceed with the work.

Sincerely,

John Syers, Railroad Engineering Coordinator
Utility & Railroad Engineering Section
205 South 17th Ave, RM 357, MD 618E
Phoenix, AZ 85007-3212
(602) 712-7541

Attachment



1 BEFORE THE ARIZONA CORPORATION COMMISSION

2 COMMISSIONERS

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTINE K. MAYES

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UTILITY & RAILROAD
ENGINEERING SVCS.

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AZ CORP COMMISSION
DOCUMENT CONTROL

8 IN THE MATTER OF THE APPLICATION OF
9 THE ARIZONA DEPARTMENT OF
10 TRANSPORTATION TO UPGRADE AN
11 EXISTING CROSSING OF THE BURLINGTON
12 NORTHERN AND SANTA FE RAILWAY AT 36th
13 AVENUE, IN THE CITY OF PHOENIX,
14 MARICOPA COUNTY, ARIZONA, AT AAR/DOT
15 NO. 025-496-G.

DOCKET NO. RR-02635B-04-0375

PROCEDURAL ORDER

16 **BY THE COMMISSION:**

17 On May 20, 2004, the Arizona Department of Transportation ("ADOT") filed with the
18 Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern
19 and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks
20 at 36th Avenue in Phoenix, Arizona, at AAR/DOT No. 025-496-G.

21 IT IS THEREFORE ORDERED that the request of ADOT shall be considered an application
22 for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

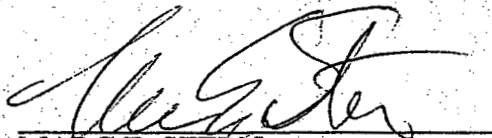
23 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this
24 proceeding.

25 IT IS FURTHER ORDERED that the hearing on the application shall be held on June 24,
26 2004, at 2:00 p.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West
27 Washington Street, Phoenix, Arizona.

28 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
Order, the Arizona Department of Transportation shall provide the Railroad and the City of Phoenix
and any other municipality or interested party that may be affected by the application with a copy of
the application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that the ARIZONA DEPARTMENT OF
TRANSPORTATION SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN
ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this
Procedural Order concurrently with the mailing of notice ordered herein.

DATED this 3rd day of June, 2004.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 3 day of June, 2004 to:

John Syers
Railroad Engineering Coordinator
Arizona Department of Transportation
205 S. 17th Avenue, Mail Drop 618E
Phoenix, AZ 85007


Larry J. Delaney
Project Engineer
BNSF Railway Company
1624 First Street NW
Albuquerque, NM 87102-1538

David Gibson
ADOT
Traffic Records Section
206 S. 17th Avenue, MD-064R
Phoenix, AZ 85007

Christopher Kempsey, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Ste. Three
Phoenix, AZ 85004-1103

By: 
Molly Johnson
Secretary to Mark Stern